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Mechanism for
International
Criminal Tribunals

Mécanisme pour les
Tribunaux Pénaux
Internationaux

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| CASE/AFFAIRE NO. | MICT-15-88-R86H.1 Dragoljub KUNARAC, Radomir KOVAC, Zoran VUKOVIC (R86H) | DATE | 09/02/2016 |
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| Decision on Prosecution request for a public redacted version of the decision on applications pursuant to Rule 86(H), submitted by Judge on 9 February 2016 | | | |

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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case Nos: MICT-15-88-R86H.1
MICT-15-88-R86H.2

Date: 9 February 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Bakone Justice Moloto
Registrar: Mr. John Hocking
Decision of: 9 February 2016

PROSECUTOR

v.

**DRAGOLJUB KUNARAC
RADOMIR KOVAČ
ZORAN VUKOVIĆ**

PUBLIC

**DECISION ON PROSECUTION REQUESTS FOR A PUBLIC
REDACTED VERSION OF A DECISION ON APPLICATIONS
PURSUANT TO RULE 86(H)**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Mathias Marcussen

I, BAKONE JUSTICE MOLOTO, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

BEING SEISED OF two identical requests filed confidentially and *ex parte* with a confidential and *ex parte* annex by the Office of the Prosecutor of the Mechanism (“Prosecution”) on 2 February 2016 seeking a public redacted version of the “Decision on Applications Pursuant to Rule 86(H)”, issued confidentially and *ex parte* on 16 July 2015 (“Decision of 16 July 2015”);¹

NOTING the Prosecution’s submissions that the Decision of 16 July 2015 is relevant to recurring applications for variation of protective measures and that no exceptional reasons exist to maintain its confidential status;²

NOTING the Prosecution’s additional submission that the interests of witness protection can be safeguarded through redactions;³

REITERATING that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;⁴

EMPHASISING that the protection of witnesses and victims is of utmost importance to the proper functioning of the Mechanism and that, once protective measures have been ordered, they continue to have effect unless they are rescinded, varied, or augmented in accordance with the Rules;⁵

FINDING that issuing a public redacted version of the Decision of 16 July 2015 will satisfy the objectives of safeguarding protected witnesses and maintaining the public character of proceedings before the Mechanism;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Requests;

¹ Request for a Public Redacted Version of the Decision on Applications Pursuant to Rule 86(H), Case No. MICT-15-88-R86H.1, 2 February 2016 (confidential and *ex parte* with confidential and *ex parte* annex), paras. 1, 4; Request for a Public Redacted Version of the Decision on Applications Pursuant to Rule 86(H), Case No. MICT-15-88-R86H.2, 2 February 2016 (confidential and *ex parte* with confidential and *ex parte* annex), paras. 1, 4 (together “Requests”). See also Order Assigning a Single Judge to Consider a Request, Case No. MICT-15-88-R86H.1, 4 February 2016; Order Assigning a Single Judge to Consider a Request, Case No. MICT-15-88-R86H.2, 4 February 2016.

² Requests, paras. 1-3.

³ Requests, paras. 1,2.

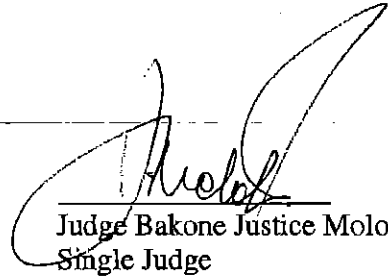
⁴ See *Prosecutor v. Sreten Lukić*, Case No. MICT-14-67-R.1, Decision on Sreten Lukić’s Application for Review, 8 July 2015, para. 8 and references cited therein. See also Article 18 of the Statute of the Mechanism; Rule 92 of the Rules of Procedure and Evidence of the Mechanism (“Rules”).

⁵ See Rule 86 of the Rules. See also *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Decision on the Prosecution’s Urgent Motion to Reclassify Public Briefs and Modify the Public Redacted Briefing Schedule, 8 July 2015, pp. 3, 4 and references cited therein.

ISSUE, concurrently with the present decision, a public redacted version of the Decision of 16 July 2015.

Done in English and French, the English version being authoritative.

Done this 9th day of February 2016,
The Hague,
The Netherlands



Judge Bakone Justice Moloto
Single Judge

[Seal of the Mechanism]



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